
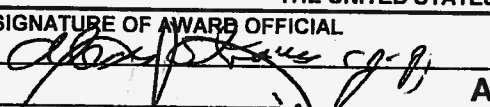



# RETURN TO EPA, MTS-7

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	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Grant Agreement</b>		ASSISTANCE ID NO.			<b>DATE OF AWARD</b> <b>SEP 08 2006</b> <b>MAILING DATE</b> <b>SEP 15 2006</b> <b>ACH#</b>	
			PRG	DOC ID	AMEND#		
			C9 -	96977501	- 0		
			TYPE OF ACTION				
New			PAYMENT METHOD:				
Advance			Send Payment Request to:				
RECIPIENT TYPE:			Las Vegas Finance Center, Fax (702) 798-2423				
Indian Tribe			PAYEE:				
RECIPIENT:			Washoe Tribe of NV & CA				
Washoe Tribe of NV & CA			919 Highway 395 South				
919 Highway 395 South			Gardnerville, NV 89410				
Gardnerville, NV 89410			EIN: 88-0120754				
EIN: 88-0120754							
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST			
Marie Barry		Stephanie Wilson		GwenL Brown			
919 Highway 395 South		75 Hawthorne Street, WTR-10		Grants Management Office, MTS-7			
Gardnerville, NV 89410		San Francisco, CA 94105		E-Mail: Brown.GwenL@epamail.epa.gov			
E-Mail:		E-Mail: Wilson.Stephanie@epamail.epa.gov		Phone: 415-972-3661			
Phone: 775-265-8682		Phone: 775-885-6190					
PROJECT TITLE AND DESCRIPTION							
Nonpoint Source Management Plan - Washoe Tribe of NV & CA							
<p>This program is designed to continue to implement the nonpoint source program for the Washoe Tribe through FY07. The purpose of this program is for the Washoe Tribe to reduce pollution from urban and stormwater runoff by implementing erosion control, removal of stormdrains, installation of sediment retention basins, revegetation and increase tribal public knowledge of pollution control strategies. This award provides full EPA funding in the amount of \$180,000. Preaward costs have been approved back to July 1, 2006.</p>							
BUDGET PERIOD		PROJECT PERIOD		TOTAL BUDGET PERIOD COST			
07/01/2006 - 12/31/2007		07/01/2006 - 12/31/2007		\$200,000.00			
				TOTAL PROJECT PERIOD COST			
				\$200,000.00			
<b>NOTICE OF AWARD</b>							
<p>Based on your application dated 05/16/2006, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$180,000. EPA agrees to cost-share 90.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$180,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.</p>							
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE				
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS				
U.S. EPA, Region 9			U.S. EPA, Region 9				
Grants Management Office, MTS-7			Tribal Office, Water Division				
75 Hawthorne Street			75 Hawthorne Street				
San Francisco, CA 94105			San Francisco, CA 94105				
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>							
SIGNATURE OF AWARD OFFICIAL		TYPED NAME AND TITLE		DATE			
		Alexis Strauss, Director - Water Division		SEP 08 2006			
<b>AFFIRMATION OF AWARD</b>							
<b>BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION</b>							
SIGNATURE		TYPED NAME AND TITLE		DATE			
		A. Brian Wallace, Chairman		9/15/06			

RECEIVED

OCT 06 2006

GMO, MTS-7

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 180,000	\$ 180,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 20,000	\$ 20,000
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 200,000	\$ 200,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.460 - Nonpoint Source Implementation	Clean Water Act. Sec. 319(h)	40 CFR PTS 31 & 35 SUBPT B

Fiscal									
Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	W0E108	2006	E1	09LA0D5	202B01E	4183			180,000
									180,000

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$81,645
2. Fringe Benefits	\$24,296
3. Travel	\$2,888
4. Equipment	\$13,658
5. Supplies	\$2,960
6. Contractual	\$52,313
7. Construction	\$0
8. Other	\$12,765
9. Total Direct Charges	\$190,525
10. Indirect Costs: 9.23% Base See Award Condition #6	\$9,475
11. Total (Share: Recipient 10.00 % Federal 90.00 %)	\$200,000
12. Total Approved Assistance Amount	\$180,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$180,000
15. Total EPA Amount Awarded To Date	\$180,000

Detailed Table B Budget Page: 1

Table B - Program Element Classification (Non-construction)	Total Approved Allowable Budget Period Cost
1. In accordance with 40 CFR 35.635, EPA approves the Washoe Tribe of NV and CA's request for a financial hardship waiver. This approval reduces the Tribe's non-federal match from 40% to 10% for this assistance agreement.	\$
2.	\$
3.	\$
4.	\$
5.	\$
6.	\$
7.	\$
8.	\$
9.	\$
10.	\$
11. Total (Share: Recip % Fed %)	\$
12. Total Approved Assistance Amount	\$

### **Administrative Conditions**

1. An interim Financial Status Report (FSR), Standard Form 269A (Rev. 7/97), covering the period from "project/budget period start date" to June 30 of each calendar year shall be submitted to the Grants Management Office, MTS-7, no later than September 30 of the same calendar year. The final FSR covering the entire project period shall be submitted to the U.S. EPA Las Vegas Finance Center, PO Box 98515, Las Vegas, NV 89193-8515, within 90 days after the end of the project period according to the recipient's respective Code of Federal Regulations Part 31.23(b)).

2. The recipient shall comply with the Single Audit Act and the reporting requirements set forth in OMB Circular A-133.

3. The recipient agrees to complete and submit to the Grants Management Office, MTS-7, a MBE/WBE Utilization Report (EPA Form 5700-52A), within 30 days after the end of the Federal fiscal year, i.e., by October 30 of each calendar year. Negative reports are required.

4. The recipient must ensure to the fullest extent possible that at least 8% (6%=MBE/2%=WBE) of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, and historically black colleges and universities.

The recipient agrees to include in its bid documents an 8% (6%=MBE/2%=WBE) "Fair Share" percentage and require all of its prime contractors to include in their bid documents for subcontracts an 8% (6%=MBE/2%=WBE) "Fair Share" percentage.

To evaluate compliance with the "Fair Share" policy, the recipient also agrees to comply with the six affirmative steps stated in 40 CFR Section 30.44(b), Section 31.36(e), or Section 35.6580(a), as appropriate.

5. If a recipient procures equipment, services, supplies, or contracts under an assistance agreement, the recipient agrees and is required to utilize the following six affirmative steps:

a. Include qualified Small Business Enterprises (SBEs), Minority Business Enterprises (MBEs), and Women Business Enterprises (WBEs) on solicitation lists;

b. Assure that SBEs, MBEs, and WBEs are solicited whenever they are potential sources;

c. Divide total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of SBEs, MBEs, and WBEs;

d. Establish delivery schedules, where the requirements of the work permit, which will encourage participation by SBEs, MBEs, and WBEs;

e. Use the services and assistance of the Small Business Administration and the Minority Business Development Agency, U.S. Department of Commerce, as appropriate; and

- f. If the prime contractor awards contracts/procurements, require the contractor to take the affirmative steps in subparagraphs a. through e. of this condition.
  6. The recipient's last approved indirect cost rate has expired. The recipient will not charge or claim for reimbursement any indirect costs unless a current indirect cost rate proposal covering the time period of the costs being claimed for reimbursement is approved by the Department of Interior (DOI).
  7. When procuring services, equipment, and/or supplies under this assistance agreement, the recipient will follow the same policies and procedures it uses for procurements from its non-Federal funds. The recipient will follow their own procurement policies and procedures provided that the policies and procedures conform with EPA regulations 40 CFR Part 31.36 or 30.44 (as applicable) which state that all procurement transactions will be conducted in a manner providing full and open competition.
  8. Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, or in a written statement. The Lobbying and Litigation certification and final Financial Status Report shall be submitted within 90 days after the end of project period.
- Recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States. Any Part 30 recipient shall abide by its respective OMB Circular (A-21 or A-122), which prohibits the use of Federal grant funds to participate in various forms of lobbying or other political activities.
9. Pursuant to EPA Order 1000.25 and Executive Order 13101, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to Standard Forms. These forms are printed on recycled paper as available through the General Services Administration.
  10. Effective October 1, 1994, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the Hotel and Motel Fire Safety Act of 1990.
  11. Payment to consultants. Per 40 CFR **Part 31.36(j)**, EPA's participation in the salary rate (excluding overhead and travel) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule, to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills and if the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. As of January 1, 2006, the rate is \$548.08 per day and \$68.51 per hour. This rate does not include overhead or travel costs and the recipient may pay these in accordance with its normal travel practices.

Subagreements with firms or individuals for services which are awarded using the procurement requirements in 40 CFR Parts 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR Part 31.36(j)(2) or Part 30.27(b).

12. The recipient shall fully comply with Subpart C of 40 CFR Part 32, entitled "Responsibilities of Participants Regarding Transactions." The recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 40 CFR Part 32, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. The recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. The recipient acknowledges that failing to disclose the information required under 40 CFR 32.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

The recipient may access the Excluded Parties List System at <http://epls.arnet.gov>. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

### **Programmatic Conditions**

P1. This grant includes the performance of environmental measurements. A Quality Assurance Plan was approved by the Washoe Tribe of Nevada and California and EPA on November 113, 2000. However, there are new measurements activities which are planned which are not covered by the existing document, therefore either a new QA Plan must be prepared or else the existing QA Plan must be amended or modified to reflect these new measurements. The recipient should consult with the Region 9 Quality Assurance Office to determine what type of QA documentation would be most appropriate and what QA guidance should be followed. The QA Plan must be approved by the EPA Project Officer, the Region 9 Quality Assurance Manager, and the recipient's Quality Assurance Officer before measurement activities are undertaken. Emergency measurements may be taken without a QA Plan being prepared if the Region 9 Quality Assurance Manager agrees that the nature of the data collection activity required due to the emergency warrants an exemption. Contact the QA Office at 415-972-3411.

P2. This grant work program is subject to the statutory "satisfactory progress" provision prescribed in Section 319(h)(8) and the EPA policy on Performance Based Assistance (May 31, 1985).

P3. Modifications to the approved workplan, including changes, additions, or deletions, shall be submitted in a timely manner to EPA for approval.

P4. The grantee shall prepare and submit quarterly progress reports to self evaluate and to jointly evaluate annual performance under the grant including: status of each workplan goal, task, deliverable; status of expenditures for the reporting period; summary of accomplishments including the reporting of environmental results and discussion of problems impacting or expected to impact performance and tasks not on schedule and proposed dates of completion. Each report is due on the 30th day after

the end of the quarter i.e., January 30, 2007, April 30, 2007, July 30, 2007, and October 30, 2007. The recipient shall submit a final report within 90 days of the end of the project period.

##### END OF DOCUMENT #####